IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.85 OF 2007
IN
WRIT PETITION NO.6271 OF 1996

Shri Bharat Shantaram Bhandare .. Appellant

Vs.

Municipal Corporation of
Greater Bombay & Ors. .. Respondents

Mr.N.M.Ganguli for the appellant

None for the respondents

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 16TH APRIL, 2007

P.C.:
1. Heard.

2. This is a Letters Patent Appeal preferred by the employer being aggrieved by the decision of the learned single Judge of this court in dismissing the petition of the appellant who was dismissed from the services on the ground of furnishing false certificate for procuring the service of a driver. The dismissal was a result of an enquiry in which it was found that the

certificate submitted by the appellant was bogus and therefore, the Labour Court rejected his application filed under section 78 r/w sec 79 of the Bombay Industrial Relations Act 1946 through the Union. The Union have preferred the revision before the Industrial Court which concurred with the finding of the Labour Court and that is how the matter was carried to the High Court by challenging the order before the learned single Judge.

3. Mr. Ganguli, the learned counsel appearing for the appellant submitted that even if it is accepted that the certificate procured by the employee was bogus but the employee did possess minimum educational qualification for being employed as a Driver which is 7th Standard.

4. The contention made by Mr.Ganguli, the learned counsel for the appellant is besides the issue and cannot be considered at this stage. We therefore, do not find any merits in the appeal and the same is dismissed.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)